

### **REMARKS**

Applicant recognizes with appreciation that the Examiner conducted a telephone interview with Applicant's representative on November 17, 2008. During the interview, the proposed amendment and the significant differences of the present invention and the prior art references of record were discussed. The Examiner agreed to further consider the rejections.

In this Amendment, Applicant has amended Claims 1 – 14 without prejudice or disclaimer and added new Claims 15 – 32 to further specify the embodiments of the present invention. It is respectfully submitted that no new matter has been introduced by the newly added claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

#### **REJECTIONS UNDER 35 U.S.C. § 102:**

Claims 1 – 6 and 8 – 14 have been rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by Martin et al (US Pat. 6,298,232).

Applicant traverses the rejection and respectfully submits that the presently claimed invention is not anticipated by the cited reference. More specifically, Claims 1 – 6 and 8 – 14 have been cancelled without prejudice or disclaimer. Thus, the rejection is moot. In addition, new added claims define the invention significantly different from Martin. The basis for the new claims are as follows:

Claim 15 defines a method for delivering a message from a foreign network to a home network, these networks having non-compatible protocols. Basis for Claim 15 can be found in claim 12 and in Fig. 4 and its accompanying description of page 7, line 8 to page 8 line 4. Please also refer to page 13 lines 26 to 30 for basis for the aspect of a receiving node (referred to as an “adjacent node”) receiving the message.

Claims 16 to 18 are supported by the embodiments on page 13 lines 26 to 30. Claim 19 has its basis in Fig. 1 and page 5 line 5. Claims 20 and 21 are supported by previous Claims 6 and 7 and Fig. 1.

Regarding Claim 22, the basis is in original Claim 9 and page 7 lines 21 to 23 and Fig. 4 signals 4 and 5. Also, Claim 23 finds basis in original claim 13 and Figs. 1 and 4 and in the Fig. 4 signals 7 to 10 and the description passage of page 7 line 25 to page 8 line 4. Claim 24 combines the subject matter of Claims 15, 16, and 23. Claim 25 combines the subject matter of Claims 15, 17, and 23. Claim 26 is an apparatus category claim based on Claim 15. Claim 27 is also an apparatus category claim, and it introduces the outgoing message transfer direction from the home network to the foreign network, with basis in page 5 lines 11 to 20 and Fig. 2 of the specification.

Claims 28 and 29 introduce the aspects of the mobile network node sending the message to the home network SMSC and an inter-working gateway respectively the embodiments providing basis being at page 13 lines 26 to 30.

Claim 30 finds its basis in page 8 lines 1 to 2 and in page 12 lines 10 to 23. Claim 31 is supported by the description on page 9 line 6, page 9 lines 1-2, page 10 line 13, and page 12 lines 7-8. Claim 32 combines the subject matters of Claims 26, 27, 30, and 31.

#### Advantages of the Invention

A major advantage is that the invention provides a gateway for incoming messages into the home network. All messages are received by the mobile network node and by the receiving node. This is very advantageous for control purposes such as filtering out spam messages. For example, where the receiving node is an SMSC the home network can avail of the rich services which an SMSC can provide, such as message storage, segmentation, and retry. In addition, Applicant respectfully direct Examiner's attention to page 12 of the specification, which listed as examples a wide range of activities that can be performed by the mobile network node, because it is in a

controlling position as the entry point to the home network. For instance, the activities include providing error codes such as “Network Resource Shortage” which can be used for throttling, and “Destination out of Service”, or “SMS Termination Denied”.

As described on page 5 lines 22 to 26, the invention presents HLR and MSC functionality in a home network to a foreign network. This is very efficient for sending a message from the foreign network to the home network. Also, the protocol conversion is performed fully within the home network and so a single (“access”) protocol such as SMPP can be used by the mobile network node for communicating with other elements in the home network such as the SMSC. Thus, the mobile network node of the invention can be deployed in the home network in a manner which has minimal impact on the other elements of the home network and on the foreign network. This greatly simplifies deployment of inter-working capability in an operator’s home network.

Another advantage is that the functionality provided in Claim 27 provides for the home network SMSC to send a message destined for the foreign network to the node via the access protocol. Thus, the node can act as a central point in the home network for protocol conversion and onward delivery to a recipient in the foreign network.

Therefore, the mobile network node can advantageously use a conventional signalling technology such as SS7 for both sending to and receiving messages from the foreign network.

#### Prior Art

In *Marin et al*, the sending element in the foreign network sends the message directly to the receiving device as described in col. 8 lines 29-33. Thus, in *Marin et al* the receiving network does not have direct control over incoming messages, and cannot avail of features such as rich functionality of an SMSC or controlling features of the mobile network node of the invention.

There is no suggestion of the aspect of the present invention whereby the message is received by a receiving node, which can perform desired operations.

In addition, the approach taught in the *Marin et al* reference is very different as the inter-working element IWF resides between the two networks. Please refer for example to Figs. 5 and 11 of *Marin et al*. Thus when the GSM network in Fig. 5 is sending a message it uses a local HLR in its own network.

In summary, the newly presented claims are not anticipated by Martin and the rejection under 35 U.S.C. § 102 (e) has been overcome. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102 (e) is respectfully requested.

REJECTIONS UNDER 35 U.S.C. § 103:

Claim 7 has been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Martin in view of Forslow (US Pat. 6,608,832).

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not obvious over cited references. The significant differences between the present invention and Martin have been described above. In light of these differences, there is no motivation or suggestion to combine Martin with Forslow, nor the present invention would be predictable to a person of ordinary skill in the art.

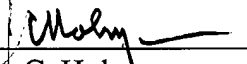
Therefore, the newly presented claims are not obvious over cited references and the rejection under 35 U.S.C. § 103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

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